

REMARKS

In the previous Final Office Action claims 1, 2, 5 to 7, 9, 17, 18 and 20 to 23 are pending of which claims 1, 2, 5 to 7, 9, 17, 18 and 20 to 23 are rejected.

In particular:

- Claim 1 is rejected under 35 U.S.C. 112
- Claims 1, 2, 6, 9, 17, 18, 20, 22 and 23 are rejected under 35 USC 103(a) as being as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040)
- Claims 7 and 21 are rejected under 35 USC 103(a) as being unpatentable over Brightbill (US2003/0204245) in view of Cox et al (US 2002/0120327) and further in view of McNamara et al (US 6,004,347)

CLAIM AMENDMENTS

New independent Claim 24 is added which more particularly defines the claimed invention. We submit that the claim is based upon the disclosure in relation to Figure 5 and the description on pages 9 and 10 of the specification as lodged.

Claims 1, 2 and 17 to 23 are cancelled and the remaining claims are made dependent upon Claim 24.

We submit that in making these amendments no new subject matter has been added.

DISCUSSION

The claims are generally rejected under 35 USC 103(a) as being as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040).

We submit that Claim 24, the new independent claim defines a more defined structure for a particular purpose. The Examiner has drawn our attention the disclosure of Brightbill and the possibility of covered cells. There is no disclosure or suggestion in Brightbill of the particular combination of a covered area and an uncovered area as claimed and certainly no suggestion of the use of the device as an treatment device for aortic dissection and particularly the claimed covering to clode of a rupture and gradual pressure features to close off a false lumen of the present invention. Further, those features which are deficient in Brightbill are not

present in Cox et al.

We submit that for these reasons Claim 24 is patentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040).

Summary

None of the cited references Cox et al (US 5,824,040), Cox et al (US 2002/0120327), Brightbill (US 2003/0204245) and McNamara et al (US 6,004,347) whether taken singly or in any allowable combination anticipate, teach or suggest the claimed invention.

Overall we submit that all claims are not anticipated and are patentable over the cited references.

The re-examination and reconsideration of this application is respectfully requested and it is further requested that this application be passed to issue.

Although the foregoing discussion is believed to be dispositive of the issues in this case, applicants' attorney requests a telephone interview with the Examiner to further discuss any unresolved issues remaining after the Examiner's consideration of this amendment.

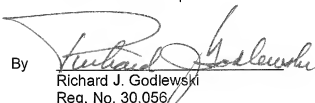
Respectfully submitted,

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